

**PATROL GUIDE**

Section: Arrests		Procedure No: 208-42
<b>ARREST ON A WARRANT</b>		
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**PURPOSE**

To arrest persons for whom warrants have been issued.

**DEFINITION**

**ARRESTING OFFICER** – For the purposes of this procedure, an arresting officer is any non-supervisory uniformed member, including detective squad personnel, assigned to arrest persons named on warrants issued by the court.

**PROCEDURE**

When arresting a person for whom a warrant has been issued:

**ARRESTING OFFICER**

1. Inform defendant of warrant and offense charged unless physical resistance, flight or other factors make such procedure impractical.
2. Present warrant, if requested, or as soon as possible, if not possessed at time of arrest.
3. Announce authority and purpose if premises is involved, and there is reasonable cause to believe that defendant is inside, EXCEPT if giving such notice may:
  - a. Endanger the life or safety of the officer or another person, OR
  - b. Result in defendant attempting to escape, OR
  - c. Result in material evidence being destroyed, damaged or hidden.

**NOTE**

*The City Charter authorizes the immediate and unannounced entry into a premise in an emergency situation; this includes an "urgent child abuse" case situation where the life or safety of a child or any other person is endangered. In other cases where there is no emergency, exceptions DO NOT apply (i.e., Family Court warrants, including Urgent Child Abuse Warrants).*

4. Make a forced entry into premises, if necessary.

**NOTE**

*If premise is a third party residence, such forced entry is prohibited without a search warrant.*

5. Make arrest and comply with the pertinent arrest processing guidelines.
  - a. When court is not in session, contact borough Court Section supervisor for instructions as to location to which prisoner is to be transported.
6. Ascertain if any additional warrants or active **INVESTIGATION CARD(S)** (PD373-163) exist concerning the subject of the immediate warrant via applicable Department resources as described in P.G. 208-22. "Performing Local, State and Federal Warrant Checks."
  - a. Comply with P.G. 208-23. "Computerized Investigation Card System." if an **INVESTIGATION CARD** has been discovered.

**NOTE**

*A subject can be run by name, NYSID, or by the docket number (if known) under the "Keyword" function in DAS. In addition, in order to sort through the information returned through DAS, it is recommended that the "Warrants Active" tab be checked under the Source Section of the Filter System.*

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**ARRESTING  
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7. Complete **ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)** if arrest warrant, or **ARREST REPORT - SUPPLEMENT (PD244-157)** if bench warrant, and enter under "NARRATIVE":
  - a. Date warrant issued, court, judge, and county of issuance
  - b. Rank, name, shield number and command of member of the service who verified the status of the warrant
  - c. Docket number and other pertinent information.
8. Arraign prisoner as follows:
  - a. **CRIMINAL COURT WARRANTS**
    - (1) Warrants issued by New York, Queens, Bronx, or Kings County Criminal Court:
      - (a) Arraign prisoner in Criminal Court or Weekend/Night Court of the borough that issued the warrant.
    - (2) Warrants issued by Staten Island Criminal Court:
      - (a) When in session, arraign prisoner in Staten Island Criminal Court
      - (b) When not in session, confer with Staten Island borough Court Section and process prisoner as directed.
  - b. **SUPREME COURT WARRANTS**
    - (1) If in session, take prisoner before Supreme Court that issued warrant.
    - (2) When a police officer cannot bring the defendant to Supreme Court for arraignment (after 1700 hours on weekdays and on weekends), the officer will deliver defendant as follows:
      - (a) Adult males to the Department of Correction facility listed (see **ADDITIONAL DATA** for Department of Correction locations)
      - (b) Adult females to the Rose M. Singer Center on Rikers Island
      - (c) Male adolescents (18 years of age) will be brought to the Adolescent Reception and Detention Center on Rikers Island.
      - (d) Male and female juveniles (16 and 17 years of age) will be brought to the appropriate facility designated by the Administration for Children's Services (ACS).
  - c. **FAMILY COURT WARRANTS**
    - (1) When in session, remove prisoner to Family Court that issued warrant.
    - (2) When not in session, arraign prisoner in Weekend/Night Court, borough of arrest.
9. The police officer delivering the prisoner will provide the Department of Correction with a copy of the Supreme Court arrest warrant or bench warrant.

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**ARRESTING OFFICER  
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10. Police officers delivering defendants to Rikers Island will proceed across the Rikers Island bridge and go directly to the appropriate reception center where they will be required to check all their weapons. After complying, they will proceed to the receiving entrance of the facility to lodge the defendant, and will retrieve their weapons after the defendant is lodged.
11. In order to accurately account for instances where a defendant is returned to court solely on the basis of a warrant (Criminal or Supreme Court, bench, etc.) and there is no associated arrest number generated, all escorting officers, **with the exception of members of the service assigned to the Fugitive Enforcement Division or any of its sub-units**, must report to the designated borough Court Section location as follows:
  - a. Manhattan – Room 132
  - b. Brooklyn – Room 207
  - c. Bronx – Prisoner Intake
  - d. Queens – Prisoner Intake
  - e. Staten Island – 120<sup>th</sup> Precinct Arrest Processing Office.

In all cases, escorting officers will obtain a "Return on Warrant" number from Court Section personnel prior to departing the court facility.
12. If arrest made in borough other than borough where warrant was issued (Inter-County Warrant): prepare following statement on Court Complaint, "At (time) hours, on (date), Police Officer (name, shield number, command) performing duty in (borough) Criminal Court has verified through records on file at said court that the warrant forming the basis of this arrest is active."

**WHEN AN ARREST IS AFFECTED SOLELY ON A BENCH WARRANT**

- DESK OFFICER** 13. Make Command Log entry relative to the detention of the prisoner.
- ARRESTING OFFICER** 14. Prepare **ARREST REPORT - SUPPLEMENT** and submit to supervisor for review and signature.
  - a. Indicate on **ARREST REPORT - SUPPLEMENT** if, and exactly how, the subject may have attempted to avoid arrest.

**ADDITIONAL DATA****PAROLE WARRANT**

*If a uniformed member of the service conducting an investigation has a parole absconder in custody SOLELY on the authority of a parole warrant, the arrest will be processed as "FOA" as follows:*

- a. *Notify New York State Department of Corrections and Community Supervision (DOCCS) at their 24 hour Operations Center at 212 239-6159 and request a faxed copy of the warrant.*
- b. *Notify Warrant Verification Desk of apprehension and details*
- c. *Ensure that parole violators are served with a copy of the charges upon which the warrant is based, as well as, the dates on which the probable cause and revocation hearings are to be scheduled.*



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PRISONERS IN THESE CASES WILL BE LODGED AT THE APPROPRIATE DEPARTMENT OF CORRECTION FACILITY AND ARE NOT TO BE TRANSPORTED TO BOROUGH COURT SECTION FACILITIES. When preparing the **ON LINE BOOKING SYSTEM ARREST WORKSHEET**, indicate in the "Narrative Section," the time, date, and names of who was notified at the Warrant Section and at the Parole Absconder Search Unit, prior to forwarding a copy of the **ON LINE BOOKING SYSTEM ARREST WORKSHEET** to the borough Court Section.

**YOUTH AWOL FROM A RESIDENTIAL FACILITY**

When a youth who is AWOL from a residential facility is apprehended on an Office of Children and Family Services Warrant, the youth will be returned directly to the residential facility, if located within New York City. If AWOL from a facility outside New York City, the youth will be taken directly to the appropriate facility designated by the Administration for Children's Services (ACS). In NO CASE will the youth be taken to Family Court.

**PINS WARRANT**

If the defendant is NOT released on an **APPEARANCE TICKET - FAMILY COURT** on the Juvenile Delinquency charges, the defendant will be taken to the appropriate facility designated by the Administration for Children's Services (ACS).

When a defendant is taken into custody, and in addition to a PINS Warrant, there are other Juvenile Delinquency charges:

- a. The juvenile may be served an **APPEARANCE TICKET - FAMILY COURT (PD277-130)** for the other charges, if eligible. However, the juvenile will be kept in custody on the authority of the PINS Warrant and taken to a designated Emergency Children's Service facility
- b. If the defendant is NOT released on an **APPEARANCE TICKET - FAMILY COURT** on the Juvenile Delinquency charges, the defendant will be taken to the appropriate facility designated by the Administration for Children's Services (ACS).

When a person is apprehended outside New York City, but within New York State on the authority of a felony/misdemeanor warrant issued by a New York City Court, the Inter-City Correspondence Unit will notify the Warrant Section to assign personnel to return the prisoner to New York City. Travel expense funds, if needed, may be obtained from the Audits and Accounts Unit. If closed, funds may be obtained at the Office of the Chief of Detectives (see P.G. 212-83, "Leaving City on Official Business").

The address of each Department of Correction facility is as follows:

**Manhattan**

Manhattan Detention Complex (MDC)  
125 White Street  
New York, New York 10013

**Brooklyn and Staten Island**

Brooklyn Detention Complex  
275 Atlantic Avenue  
Brooklyn, New York, 11201

**Bronx and Queens**

Department of Correction Barge  
1 Halleck Street  
Bronx, New York, 10474

**Juvenile Facility**

Adolescent Reception and  
Detention Center (ARDC)  
11-11 Hazen Street  
East Elmhurst, New York 11370

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**ADDITIONAL  
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**Female Facility**  
**Rose M. Singer Center (RMSC)**  
**19-19 Hazen Street**  
**East Elmhurst, New York 11370**

**RELATED  
PROCEDURES**

*Performing Local, State and Federal Warrant Checks (P.G. 208-22)*  
*Computerized Investigation Card System (P.G. 208-23)*  
*Certificate of Warrant (Non-Support) (P.G. 208-50)*  
*Search Warrant Applications (P.G. 212-75)*  
*Leaving City on Official Business (P.G. 212-83)*

**FORMS AND  
REPORTS**

**ARREST REPORT - SUPPLEMENT (PD244-157)**  
**ON LINE BOOKING SYSTEM ARREST WORKSHEET (PD244-159)**  
**APPEARANCE TICKET - FAMILY COURT (PD277-130)**  
**INVESTIGATION CARD (PD373-163)**